

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, STATE OF CALIFORNIA,
STATE OF ILLINOIS, STATE OF MARYLAND,
PEOPLE OF THE STATE OF MICHIGAN, STATE OF
MINNESOTA, STATE OF OREGON, STATE OF
VERMONT, and COMMONWEALTH OF VIRGINIA,

Plaintiffs,

v.

UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY; ANDREW WHEELER as Administrator of
the UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY; and SUSAN PARKER
BODINE as Assistant Administrator of the UNITED
STATES ENVIRONMENTAL PROTECTION
AGENCY,

Defendants.

**[PROPOSED]
ORDER GRANTING
PLAINTIFFS'
MOTION FOR A
PRELIMINARY
INUNCTION**

20-CV-3714

The Court has read and considered the memorandum of law and other documents in support of and in opposition to the Motion for a Preliminary Injunction filed by Plaintiffs (States) and has heard and considered the arguments of counsel on this matter.

NOW, THEREFORE, good cause appearing, the Court GRANTS the States' Motion for a Preliminary Injunction.

Specifically, the Court FINDS and DECLARES that the States have demonstrated a likelihood of success on their claims that Defendants violated the Administrative Procedure Act when it issued its March 26, 2020 policy entitled "COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program" (Policy). Further, the States have demonstrated that the Policy will irreparably harm the States, and that the balance of the equities and public interest support the requested injunction. The Court also finds that an injunction of the Policy without geographic limitation is appropriate and required.

Therefore, the Court enjoins the Policy pending the resolution of this lawsuit.

IT IS SO ORDERED.

Dated:

Hon. Colleen McMahon
Chief District Judge